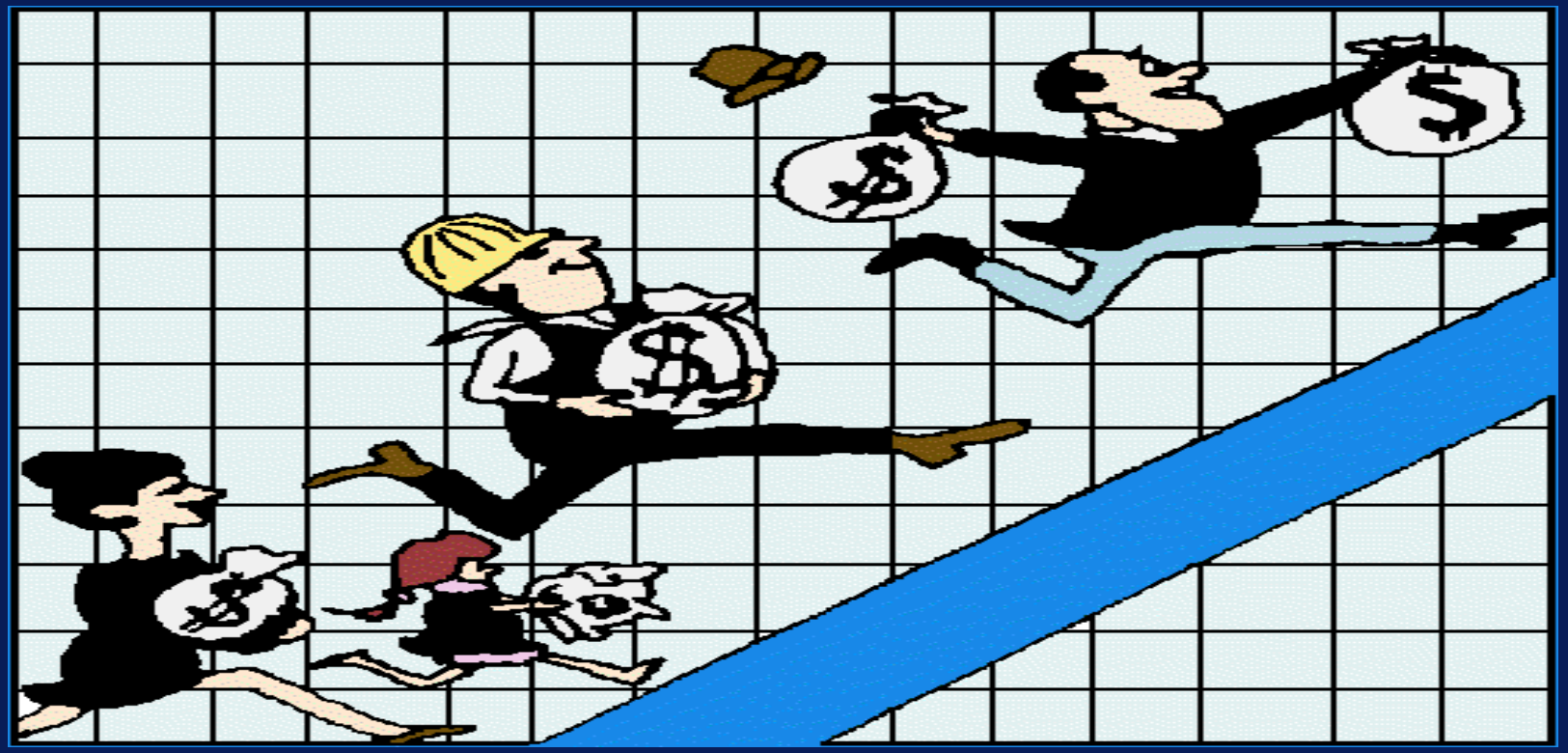
FUNDRAISING



OUTLINE Fundraising

- Principles
- References
- Fundraising: Official Capacity
  - What is Allowed/Not Allowed
- Fundraising: Personal Capacity
- Miscellaneous Issues

ETHICAL PRINCIPLES

➔**Personnel shall not:**

2. Hold financial interests that conflict with conscientious performance of duties
7. Use public office for private gain
8. Give preferential treatment to any PO or individual
9. Use Government Property for other than authorized purposes

Key Concept

- **Fundraising is like Alcohol**
  - Everyone likes it.
  - It gives you a warm feeling inside.
  - Some people never get enough.
  - It's legal, but worrisome.
  - It causes people to do things t
    their co-workers that they would
    not normally do.

Regulatory Authority

- Standards of Ethical Conduct for Employees of the Executive Branch
- Joint Ethics Regulation
- Executive Orders
- Agency Regulations
- Policy Guidance
- Internet Resources

Complicated

No comprehensive guidance

Site regulations (GSA, Pentagon)

Government wide regulations (CFC) – (5 CFR Part 950)

Agency regulations

Policy

Decision Matrix

- **What kind of fundraising is this?**
  - "Fundraising" defined at 5 CFR 2635.808(a)
    - Raising funds
    - For nonprofit organization
    - Through solicitation or participation in event

Decision Matrix (cont.)

- **“Other” fundraising**
  - Collection of gifts-in-kind
  - Fundraising for groups that are not qualified as “nonprofit organizations”

Decision Matrix (cont.)

- Are we being asked to solicit funds?
  - Official capacity or personal capacity
- Are we being asked to support events?
  - Official capacity or personal capacity

Decision Matrix (cont.)

- Are we being asked to endorse fundraising efforts?
  - Official capacity or personal capacity

- Is this for a partisan political cause or party?

Official Capacity

Official Capacity

- **VERY LIMITED!!!**
- **Fundraising in an “official capacity" requires authorization pursuant to statute, Executive Order, regulation, or other authority making such activity part of an employee’s duties.**

Official Support (cont.)

- Use of DoD personnel and their status
  - Presence as a draw to fundraisers
    - Mere attendance or official policy speech only
  - Honorary chair, name on letterhead

Official Support (cont.)

- GSA controlled property
  - 41 CFR 101-20.308(a)
  - Non-profit and religious orgs may solicit
  - GSA Building Manager

JER 3-210 Authorized

- Duty hours
- Use of official title position and authority
- Innovative promotional events
- Limited appropriated fund support

Official Support

- More authority to provide support than to solicit.
  - JER 3-211
  - CFC Regulation (5 CFR Part 950)
  - GSA Building Regulations

FUNDRAISING

LOGISTICAL SUPPORT (JER 3-211)

May provide limited logistical support to NFE event:

Speakers, panel members, facilities, equipment

A. May not interfere with official duties

B. Serves official interests

C. Appropriate for DOD involvement

D. Is of benefit to DOD or local civilian community

E. Does not offer preferential treatment

F. Admission fee may not exceed event

Official Support (cont.)

- Combined Federal Campaign (CFC)
  - 5 CFR 2635.808 (fundraising)
  - 5 CFR Part 950 (CFC)
  - DoDD 5035.1 (CFC in DoD)
  - DoDI 5035.5 (CFC overseas)
  - JER 3-210, 2-302

Official Support (cont) (CFC)

- Fundraising events encouraged
- Limited use of appropriated funds
- Contributions: voluntary only
- May officially endorse
- May not solicit non-Feds
- Ship tours, tank rides, etc.????

CFC Impermissible Activities

- Cannot receive something of value in exchange for contribution
- May not solicit outside of the Govt
- Coercive
  - Solicitation by chain of command
  - Establishing personal $ goals
  - Lists of non-contributors
  - Improper use of contributor lists

JER 3-210 Authorized

- Service Relief Activities

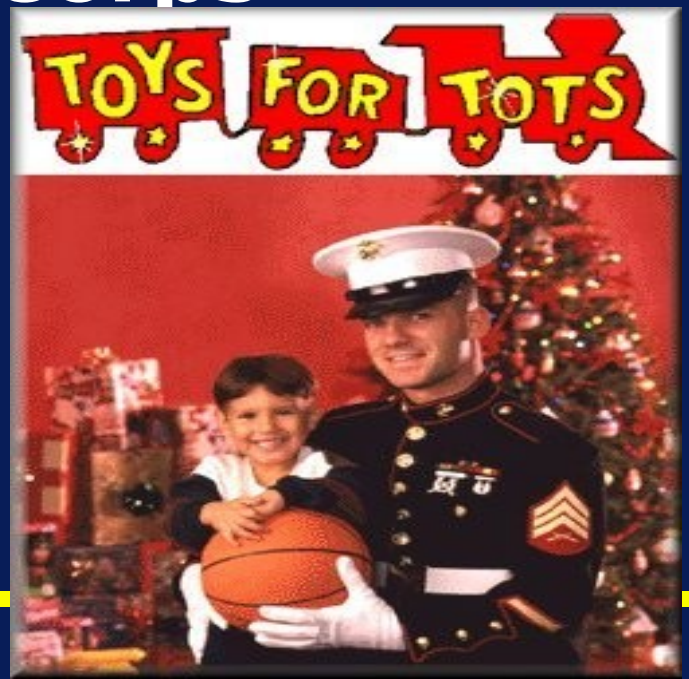
(cont.) Military Relief Societies

- Comply with Military Dept. regulations
  - Use of appropriated funds
  - Lotteries (Navy/Marine Corps)
- May endorse fundraising
- Support IAW JER 3-211
- Golf with the CG, etc.???

JER 3-210 Authorized

- National Guard (32 USC 508)

Toys for Tots (Marine Corps Reserve)



Official Support (cont.)

- **Toys for Tots: MCO 5726.14E**
- **National Guard**
  - Charitable orgs when approved by head of organization
  - Voluntary assistance only
  - May endorse fundraising
  - JER 3-210(a)(7)

Official Endorsement

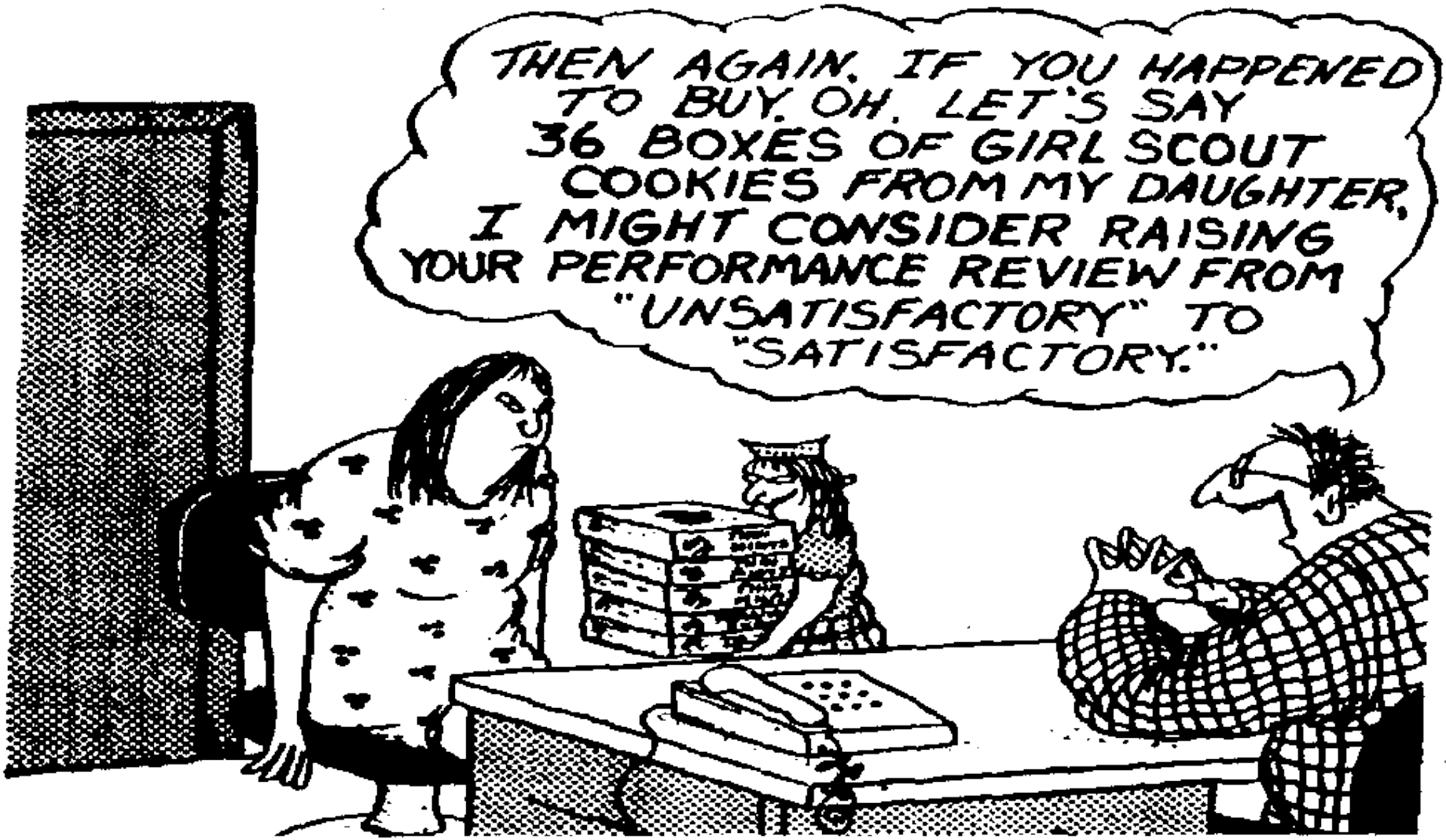
- **JER 3-209: No, but JER 3-210 allows:**
  - **CFC**
  - Military relief societies
  - OPM emergency appeals
  - Organizations of DoD personnel raising funds among members for benefit of members, when approved
  - National Guard exception

Fundraising: Personal Capacity

GENERAL RULE

No Personal Fundraising in the Workplace (Disruption, competes w/CFC, abuse of power/curry favor)

PERSONAL FUNDRAISING


THEN AGAIN, IF YOU HAPPENED TO BUY, OH, LET'S SAY 36 BOXES OF GIRL SCOUT COOKIES FROM MY DAUGHTER, I MIGHT CONSIDER RAISING YOUR PERFORMANCE REVIEW FROM "UNSATISFACTORY" TO "SATISFACTORY."

Fundraising in a Personal Capacity

- GSA Property (No alms, solicit business, sell, display ads)
  - But collection boxes ok-food/clothes for charity
- What is the Federal Workplace? (Agency Head)
- Support (JER 3-211)

Personal Solicitation

- Federal employees may not:
  - Solicit from subordinates
  - Solicit from prohibited sources
  - Use or permit use of official title, position or authority
  - 5 CFR 2635.808

Other Fundraising

- Org. heads may allow personnel to solicit in personal capacity in designated areas (JER 3-300a(2))
- May use official channels to notify personnel of items of interest to personnel

Other Fundraising

- May not fundraise in Federal Workplace
  - 5 CFR 950.102(a)
  - Exempt: gifts-in-kind
  - Solicitations among members for benefit of members
  - “Federal Workplace” established by head of org. (JER 3-211b)

Political Fundraising

- Not in the Federal workplace
- Depends upon status of individual
  - Hatch Act (civilians through GS 15)
  - Old Hatch Act (Career SES)
  - DoDD 1344.10 (Military Personnel)
  - DepSecDef Memo 2/7/2000 (PAS and non-career SES personnel)

Fundraising After Disasters

➔See ”How Can We Help”?

Disaster Fundraising

- OPM emergency appeals
  - Fundraising allowed in workplace
  - May endorse fundraising
  - Support IAW JER 3-211

Gambling

- JER 3-202, 5 CFR 735.201
  - No gambling on Gov't property
  - No gambling while on duty
  - Exception for local fundraising (subject to local law)

Gambling (cont.)

- Gambling must contain 3 elements:
  - ✓ Consideration
  - ✓ A game of chance
  - ✓ The offering of a prize

QUESTION ?